

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**FIRST CONSULTING GROUP, INC. and
FCG CSI, INC.,**

Plaintiffs,

V.

IMPACT ADVISORS, LLC, ANDREW SMITH, PETER SMITH, and MELANIE SWENSON,

Defendants.

No. 07 C 6577

Jury Trial Demanded

REPORT OF THE PARTIES' PLANNING MEETING

1. The following persons participated in a Rule 26(f) conference on January 10, 2008, by telephone: Timothy Hardwicke and Hudson Hollister, Latham & Watkins LLP, representing First Consulting Group, Inc. and FCG CSI, Inc. (collectively, “FCG” or “Plaintiffs”); and Laurie Holmes and Erik Eisenmann, Drinker Biddle Gardner Carton, representing Defendants Andrew Smith, Peter Smith, and Melanie Swenson (collectively, “Individual Defendants”) and Impact Advisors, LLC (“Impact Advisors,” and collectively with Individual Defendants, “Defendants”).

2. **Initial disclosures.** The parties will serve by January 24, 2008 the initial disclosures required by Rule 26(a)(1).

3. **Discovery plan.** The parties propose the following discovery plan:

(a) Plaintiffs suggest that discovery will be needed on these subjects: the Individual Defendants' breaches of their obligations under their respective agreements with FCG; Defendants' solicitation, diversion, and taking away of FCG's employees; Defendants' solicitation, diversion, and taking away of FCG's clients; Defendants' performance of services

for FCG's clients; Defendant Impact Advisors' tortious interference with the Individual Defendants' contracts with FCG; Defendant Impact Advisor's tortious interference with FCG's prospective economic advantage; and Plaintiffs' damages. Defendants suggest that discovery will be needed on these subjects: Plaintiffs' direct and indirect efforts to reduce its number of employees; Plaintiffs' plan to reduce both the number and compensation of Vice Presidents; the acquisition of FCG by CSC and its impact on employee morale and retention and client service; client dissatisfaction with Plaintiffs' services; and FCG's loss in client revenue unattributable to any actions of Defendants.

(b) Fact discovery is to commence in time to be completed by May 30, 2008. Expert discovery is to commence in time to be completed by July 18, 2008.

(c) A maximum of 25 interrogatories are allowed by Plaintiffs to any Defendant, and by Defendants to any Plaintiff. Responses are due 30 days after service.

(d) A maximum of 50 requests for admission are allowed by Plaintiffs to any Defendant, and by Defendants to any Plaintiff. Responses are due 30 days after service.

(e) A maximum of 12 fact depositions are allowed by Plaintiffs and a maximum of 12 fact depositions are allowed by Defendants.

(f) Of the 12 fact depositions that are allowed to Plaintiffs and Defendants, four are to last four hours or less, and the remaining eight are to last seven hours or less, unless extended by agreement of the parties.

(g) Initial reports from retained experts under Rule 26(a)(2) are due by June 6, 2008. Responsive reports from retained experts are due by June 30, 2008.

(h) Supplementations of responses to discovery under Rule 26(e) are due seasonably.

4. **Other items.**

(a) The parties do not request a conference with the court before a scheduling order.

(b) The parties request a status conference on May 15, 2008, and request a pretrial conference on August 22, 2008.

(c) Plaintiffs should be allowed until February 21, 2008 to join additional parties or to amend the pleadings.

(d) Defendants should be allowed until March 6, 2008 to join additional parties or to amend the pleadings.

(e) All potentially dispositive motions should be filed by July 25, 2008.

(f) Settlement is unlikely at this time.

(g) Alternative dispute resolution procedures are not likely to enhance settlement prospects at this time.

(h) Final lists of witnesses under Rule 26(a)(3), designations of witnesses whose testimony will be presented by deposition, and exhibit lists should be due from all parties by September 15, 2008.

(i) All parties should have seven days after service under Rule 26(a)(3) to object to designations of witnesses whose testimony will be presented by deposition and exhibits.

(j) The case should be ready for trial by October 6, 2008 and at this time the trial is expected to take approximately five days.

Dated: January 22, 2008

/s/ Timothy B. Hardwicke
One of the Attorneys for Plaintiffs
First Consulting Group, Inc. and FCG CSI, Inc.

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/s/ Laurie A. Holmes
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